

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**February 10, 2003**

**IN RE:**

**PETITION OF US LEC TENNESSEE, INC.  
FOR DECLARATORY ORDER**

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**DOCKET NO.  
02-00890**

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**ORDER CONVENING A CONTESTED CASE PROCEEDING  
AND APPOINTING A PRE-HEARING OFFICER**

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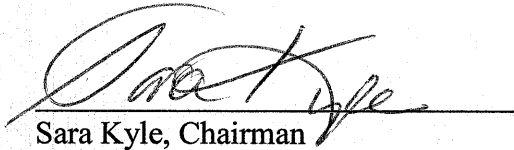
This matter came before Chairman Sara Kyle, Director Deborah Taylor Tate, and Director Pat Miller of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on October 21, 2002 for consideration of the Petition of US LEC Tennessee, Inc. for Declaratory Order filed on August 23, 2002.

At the October 21, 2002 Authority Conference, the Directors voted unanimously to convene a contested case proceeding in this matter and appoint the Authority's General Counsel or his designee to act as the Pre-Hearing Officer in this proceeding to prepare the case for a determination on whether the Authority has jurisdiction over this action and, if necessary, to hear preliminary matters prior to a Hearing, to rule on any petition(s) for intervention, and to set a procedural schedule to completion.


**IT IS THEREFORE ORDERED THAT:**

1. A contested case proceeding is hereby convened;

2. The General Counsel or his designee is appointed Pre-Hearing Officer in this matter to prepare the case for a determination on whether the Authority has jurisdiction over this action and, if necessary, to hear preliminary matters prior to a Hearing, to rule on any petition(s) for intervention, and to set a procedural schedule to completion.



Sara Kyle, Chairman



Deborah Taylor Tate, Director



Pat Miller, Director